



AGENDA

Planning Commission Meeting
Tuesday, January 26, 2021
7:00 pm
Gardner City Hall
120 E. Main Street

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on October 27, 2020.

REGULAR AGENDA

1. **COPPER SPRINGS MEADOWS, 1ST PLAT SUBDIVISION**
Located at University Drive and 160th Court
 - a. **FP-20-14:** Consider a final plat for a 38 lot single family subdivision
2. **LAKES AT CONESTOGA**
Located at the southeast corner of E. Santa Fe Street and Conestoga Street
 - a. **FDP-20-06:** Consider a final development plan for a 1 lot/95-unit mobile home park
 - b. **FP-20-11:** Consider a final plat for a 1 lot/95-unit mobile home park

DISCUSSION ITEMS

1. Discussion regarding Title 17 Land Development Code.

ADJOURNMENT



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 856-0945 a minimum of 48 hours prior to the meeting.

PLANNING COMMISSION STAFF REPORT**REGULAR AGENDA No. 1****MEETING DATE: JANUARY 26, 2021****PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER**

PROJECT NUMBER / TITLE: FP-20-14: Final Plat of Copper Springs Meadows, 1st Plat

PROCESS INFORMATION**Type of Request:** Final Plat**Date Received:** December 11, 2020**APPLICATION INFORMATION****Applicant:** Todd Allenbrand, Payne & Brockway, P.A.**Owner:** Martens Family Enterprises, Inc.**Parcel ID:** CF221413-3007 and CF221413-3008**Location:** Part of the NE ¼ of Section 13, Township 14 South, Range 22 East south of 159th Street at the southern extent of University Drive.**REQUESTED ACTION**

The applicant requests approval of a final plat for a 38 lot, single-family residential project containing 13.0 acres.

EXISTING ZONING AND LAND USE

Currently, the subject property is zoned R-1 (Single-Family Residential) District and current land use is a vacant parcel

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
R-1 (Single-Family Residential) District	Vacant Property
East of subject property	
A (Agricultural Uses) District	Vacant Property
South of subject property	
R-1 (Single-Family Residential) District	Vacant Property
West of subject property	
R-1 (Single-Family Residential) District	Single-family dwellings

EXISTING CONDITIONS

The subject property is a 13 acre site and is part of the Copper Springs Meadows preliminary plat that was approved August, 2020. It will be accessed mainly by the extension of University Drive. All utilities are available to this site and will be serviced by the City of Gardner utilities and Johnson County sanitary sewers.



BACKGROUND / HISTORY

The entire property was zoned in 2003 to single-family residential. This property was originally part of the overall Copper Springs preliminary plat approved in 2003. Phase IV, V, and VI were subject to another preliminary plat approval in 2016 due to the expiration of the original preliminary plat. Phase IV and V final plats were recorded in 2016. The proposed plat is not the entire planned phase VI however the remainder will be incorporated in the new preliminary plat for future phases.

CONSISTENCY WITH COMPREHENSIVE PLAN

The comprehensive plan identifies the property as low-density residential. The property is zoned for low-density residential and the proposed plat is for the same. The plat is consistent with the comprehensive plan.

STAFF ANALYSIS-FINAL PLAT REVIEW CRITERIA

17.03.020 (E1) Review Criteria:

- a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

***Staff Comment:** The final plat is in substantial compliance with the approved preliminary plat. The lots meet the minimum dimensional standards as do the streets. Utility easements have been provided along the street side and rear of the properties. Two temporary turn-around easements at the end of both 160th and 161st Courts will need to be provided prior to the release of this plat for recording. This will be a conditional of approval.*

The street tree plan has not been submitted with the plat and will be a conditional of approval.

- b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

***Staff Comment:** Public improvements plans shall be submitted and approved prior to the release of the final plat for recording at the County. This plat is located within the Johnson County Sanitary Sewer District and will be served by them. The city will provide water, and electric.*

- c. The phasing and timing of public improvements ensures construction and performance guarantees.

***Staff Comment:** Public improvements will be constructed upon final plat approval, the required excise tax being paid and said plat being recorded. The applicant/developer will be required to submit a Performance and Maintenance Bond to the City when they pick up their Public Improvement Permit.*

- d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

***Staff Comment:** There are no deviations being request on the final plat.*

- e. The recommendations of professional staff, or any other public entity asked to officially review the plat.

***Staff Comment:** Staff recommends the Planning Commission approve the final plat with the conditions outlined below, and forward a recommendation to the Governing Body to accept the dedication of any rights-of-way and easements.*

EXCISE TAX

Excise tax is levied with the act of platting the portion of the property in the city. The subject property has never been a part of a final plat and is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets. The current tax rate is \$0.20 per square foot of land area platted. This plat includes 13.0 acres (566,280 square feet) and, therefore, the estimated excise tax will be **\$113,256.00**. This tax must be paid prior to the release of the final plat for recording.

ATTACHMENTS

- I. Final Plat
- II. Application

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Final Plat – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

RECOMMENDATION

Staff recommends approval of the final plat for Copper Springs Meadows, 1st Plat with the following conditions:

1. Provide a Street Tree Plan.
2. The excise tax shall be paid to the City prior to recording.
3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
4. Provide a copy of the recorded “Temporary Turn-around” easements for 160th and 161st Courts.

and recommends forwarding the plat to the Governing Body with a recommendation to accept the dedication of right-of-way and easements.

Recommended Motion:

After review of Application # FP-20-14, a final plat for Copper Springs Meadows, 1st Plat, and plat dated January 4, 2021, and staff report dated January 20, 2021, the Planning Commission approves the application provided the following conditions are met:

1. Provide a Street Tree Plan.
2. The excise tax in the amount of \$113,256.00 shall be paid to the City prior to recording.
3. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
4. Provide a copy of the recorded "Temporary Turn-around" easements for 160th and 161st Courts.

and recommends the Governing Body accept dedication of right-of-way and easements.

FINAL PLAT APPLICATION

Pre-App Date	_____
Fee	_____
File No.	_____

OWNER INFORMATION

Name(s) Martens Family Enterprises, Inc.
Contact Philip Martens
Address 19000 W 158th Street, Suite C
City Olathe State KS Zip 66062
Phone 913-732-2276 Email mfeikc1@gmail.com

APPLICANT/AGENT INFORMATION

Name(s) Payne & Brockway, PA
Contact Todd Allenbrand
Address 426 S Kansas Avenue
City Olathe State KS Zip 66061
Phone 913-782-4800 Email todda@payne-brockway.com

SITE INFORMATION

Property Address/Location 61st Street and Canton Street
Legal Description (Attach If Necessary) Part of the NE¼, Section 13, 24E, 22S, see attached
Number of Existing Lots 0 Number of Proposed Lots 38
Total Site Area 13.00077 Present Zoning R-1
Number of Existing Structures 0 Present Land Use Single Family Residential
Proposed Street Design Type(s) & Class Collector Neighborhood & Local Neighborhood
Proposed Type(s) Open & Civic Space Trail/Greenway
Proposed Frontage Type(s) Suburban
Proposed Building Types(s) Detached House - Suburban

SIGNATURE

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for final plat as indicated above.

Signature(s): C. Zell Date 12/09/20

Date _____

OWNER AFFIDAVIT

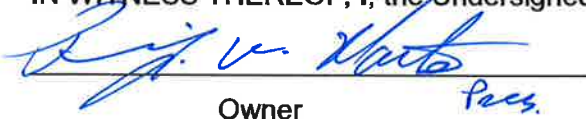
I/WE Philip W Martens, President of Martens Family Enterprises, Inc., hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7th day of December, 2020, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Todd Allenbrand, Payne & Brockway, P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Final Plat Application (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.
3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.


Owner *Pres.*

Owner

STATE OF KANSAS
COUNTY OF JOHNSON

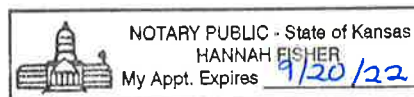
The foregoing instrument was acknowledged before me on this 7th day of December, 2020, by Philip W. Martens, President of Martens Family Enterprises, Inc.

My Commission Expires:

9/20/2022



Notary Public



FINAL PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider, if not submitted with the Preliminary Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Final Floodplain modeling using HEC-RAS model provided by the City if encroachment is proposed within a FEMA or Shaded Zone X 100-year floodplain. (Contact City Engineer to obtain model and requirements). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Development Agreement , if required |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Street tree plan |

FINAL PLAT DOCUMENT REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Name of subdivision (unique and numerically consistent and the words "FINAL PLAT," prominently displayed as the title.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Names, addresses, and phone numbers of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Date of preparation and/or revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Vicinity map (drawn at a scale of 1"=2,000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. A legal boundary description with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres. |

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Provide the following sentence after the Legal Description "The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the accompanying plat, which subdivision and plat shall hereafter be known as "Plat Name". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Location of monuments , shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Accurate dimensions for all lines, angles, and curves , used to describe boundaries, streets, easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Platted and unplatted land adjacent to the plat boundary. Include identification of adjacent platted subdivisions and unplatted tracts with external bearings and distances of adjacent plats and property owners for a distance of not less than 400 feet. Include original plat names if replatted. Exterior dimensions shall coincide with adjoining plats unless differences are noted |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Blocks, lots and tracts identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Note on plat indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. Any area within a federally designated floodplain . Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Stream corridor boundary and dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Proposed street right-of-way with dimensions which conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Endorsement of the Planning Commission as evidenced by the signature of its Chairperson. Endorsement line shall contain the printed name of the Chairperson and their title. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Acceptance of Dedication by the Governing Body , as indicated by the signature of the Mayor and attested by the City Clerk. The Endorsement Line shall contain the printed name and title of the person signing. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Signature of Owner , properly attested. |

- | Yes | No | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. A dated signature and seal of the licensed Land Surveyor responsible for the survey and a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys." |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. Copies of all pertinent exception documents , or a copy of a current American Land Title Association (ALTA) survey, or both. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 22. Calculation documents containing the following data: coordinates of the plat boundary and the unadjusted error of closure of the field traverse that established the plat. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. A statement on the plat concerning prior easement rights as follows: The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City from any expense incident to the relocation of any such existing utility installations within said prior easement. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 24. A statement on the plat concerning utility easements as follows: An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 25. A statement on the plat concerning drainage easements as follows: An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and through those areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 26. Certification of dedication of all streets, highways and other rights-of-way or parcels for public park or other public use , signed by the owners and all other parties who have a mortgage or lien interest in the property. |

Written explanations for any items not checked or checked "No" (attach additional sheets, if necessary):

SUB. REQ. 5) Initial covenants and restrictions are established, see PDF on disc. 6) The developer will be adding this plat to the HOA, see PDF on disc of examples of previous plats that were added.

7) Not applicable. 8) Final stormwater was addressed at preliminary platting. 9) TIS was addressed at preliminary platting. 10) Not applicable.

11) Street tree plan will be submitted once the improvements plans have been approved and prior to submitting the plat for recording.

DOC. REQ. 14) Not applicable. 15) No applicable.

I hereby submit all information required for final plat review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted. By signing this application, I acknowledge that all public streets and public infrastructure within the plat shall conform to the applicable minimum design standards set forth in the Gardner Municipal Code and the Technical Specifications.



Signature of Applicant



Date

LEGAL DESCRIPTION
FOR
COPPER SPRINGS MEADOWS, 1ST PLAT

This is a survey and plat of part of the NE¼ of Section 13, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of the NE¼ of Section 13, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas; thence S 01°53'36" E, along the West line of said NE¼ and also along the West line COPPER SPRINGS, a subdivision in the City of Gardner, Johnson County, Kansas and its extension thereof, a distance of 1,423.83 feet to the Southwest corner of Lot 43, COPPER SPRINGS; thence N 88°06'24" E, along the South line of Lots 43 and 44, COPPER SPRINGS, a distance of 318.86 feet to the Southeast corner of said Lot 44; thence N 01°53'36" W, along the East line of said Lot 44, a distance of 38.62 feet to the Southwest corner of Lot 46, COPPER SPRINGS; thence S 84°47'23" E, along the South line of said Lot 46, a distance of 65.95 feet to the Southeast corner of said Lot 46, said corner also being the TRUE POINT OF BEGINNING; thence N 03°39'40" E, along the East line of said Lot 46 and its extension thereof, a distance of 170.76 feet to a point on the North right-of-way line of 161st Street, as platted; thence Westerly, along the North right-of-way line of said 161st Street, on a curve to the left having an initial tangent bearing of N 86°20'20" W and a radius of 975.00 feet, for a distance of 43.68 feet to the Southeast corner of Lot 47, COPPER SPRINGS; thence N 01°05'39" E, along the East line of said Lot 47 a distance of 115.00 feet to the Northeast corner of said Lot 47, said corner also being on the South line of Lot 50, COPPER SPRINGS; thence N 89°43'01" E, along the South line of said Lot 50, a distance of 6.54 feet to the Southeast corner of said Lot 50; thence S 86°53'04" E, along the Southerly line of Lot 51, COPPER SPRINGS, a distance of 66.36 feet to the Southeast corner of said Lot 51; thence S 83°23'36" E, along the Southerly line of Lots 52 through 56, COPPER SPRINGS, a distance of 359.54 feet; thence N 67°57'49" E, along the Southeasterly line of said Lot 56, a distance of 93.98 feet to the East corner of said Lot 56, said corner also being on the Westerly right-of-way line of University Drive, as platted; thence N 54°18'17" E a distance of 60.00 feet to a point on the Easterly right-of-way line of said University Drive; thence N 35°41'43" W, along the Easterly right-of-way line of said University Drive, a distance of 115.00 feet; thence N 52°15'36" E a distance of 50.68 feet; thence N 80°17'00" E a distance of 73.11 feet; thence N 85°25'54" E a distance of 72.26 feet; thence S 89°42'00" E a distance of 122.84 feet; thence N 85°51'00" E a distance of 108.81 feet; thence N 58°47'55" E a distance of 125.15 feet; thence S 56°16'00" E a distance of 212.35 feet; thence S 27°42'21" E a distance of 4.37 feet; thence S 23°05'44" W a distance of 248.07 feet; thence Southeasterly, on a curve to the left having an initial tangent bearing of S 66°54'16" E and a radius of 525.00 feet, for a distance of 27.50 feet; thence S 20°05'41" W a distance of 170.27 feet; thence S 64°05'00" E a distance of 38.40 feet; thence S 75°15'00" E a distance of 66.47 feet; thence S 82°00'00" E a distance of 66.38 feet; thence S 00°48'18" W a distance of 173.26 feet; thence Westerly, on a curve to the right having an initial tangent bearing of N 89°11'42" W and a radius of 525.00 feet, for a distance of 41.51 feet; thence S 05°20'06" W a distance of 121.98 feet; thence

N 87°05'00" W a distance of 73.52 feet; thence N 72°46'48" W a distance of 60.31 feet; thence N 65°58'00" W a distance of 66.37 feet; thence N 60°54'00" W a distance of 129.82 feet; thence N 69°48'00" W a distance of 66.86 feet to a point on the Easterly right-of-way line of said University Drive; thence Northerly, along the Easterly right-of-way line of said University Drive, on a curve to the left having an initial tangent bearing of N 00°40'43" W and a radius of 530.00 feet, for a distance of 117.77 feet; thence S 76°35'23" W a distance of 60.00 feet to a corner on the Westerly right-of-way line of said University Drive, said corner also being the Northeast corner of Lot 106, COPPER SPRINGS VI, a subdivision in the City of Gardner, Johnson County, Kansas; thence N 86°27'00" W, along the Northerly line of Lots 106, 105 & 104, COPPER SPRINGS VI, a distance of 191.28 feet to the Northwest corner of said Lot 104; thence N 79°54'00" W, along the Northerly line of Lots 103 through 100, COPPER SPRINGS VI, a distance of 243.54 feet; thence N 80°48'00" W, along the Northerly line of Lots 100 through 97, COPPER SPRINGS VI, a distance of 208.74 feet; thence N 88°09'46" W, along the Northerly line of said Lot 97, a distance of 62.14 feet to the Northwest corner of said Lot 97; thence N 84°47'23" W, along the Northerly line of Lot 96, COPPER SPRINGS VI, a distance of 9.07 feet to the TRUE POINT OF BEGINNING, containing 13.00077 acres, more or less.

Name: Copper Springs Meadows 1st Plat
North: 2249.5475' East: 1343.2074'

Segment #1 : Line
Course: N03° 39' 40"E Length: 170.76'
North: 2419.9591' East: 1354.1112'

Segment #2 : Curve
Length: 43.68' Radius: 975.00'
Delta: 002.5670 (d) Tangent: 21.84'
Chord: 43.68' Course: N87° 37' 20"W
Course In: S03° 39' 40"W Course Out: N01° 05' 39"E
RP North: 1446.9488' East: 1291.8527'
End North: 2421.7711' East: 1310.4709'

Segment #3 : Line
Course: N01° 05' 39"E Length: 115.00'
North: 2536.7501' East: 1312.6669'

Segment #4 : Line
Course: N89° 43' 01"E Length: 6.54'
North: 2536.7824' East: 1319.2068'

Segment #5 : Line
Course: S86° 53' 04"E Length: 66.36'
North: 2533.1757' East: 1385.4687'

Segment #6 : Line
Course: S83° 23' 36"E Length: 359.54'
North: 2491.8097' East: 1742.6212'

Segment #7 : Line
Course: N67° 57' 49"E Length: 93.98'
North: 2527.0705' East: 1829.7355'

Segment #8 : Line
Course: N54° 18' 17"E Length: 30.00'
North: 2544.5748' East: 1854.0995'

Segment #9 : Line
Course: N54° 18' 17"E Length: 30.00'
North: 2562.0790' East: 1878.4634'

Segment #10 : Line
Course: N35° 41' 43"W Length: 115.00'
North: 2655.4741' East: 1811.3639'

Segment #11 : Line
Course: N52° 15' 36"E Length: 50.68'
North: 2686.4943' East: 1851.4415'

Segment #12 : Line
Course: N80° 17' 00"E Length: 73.11'
North: 2698.8335' East: 1923.5027'

Segment #13 : Line
Course: N85° 25' 54"E Length: 72.26'
North: 2704.5889' East: 1995.5331'

Segment #14 : Line
Course: S89° 42' 00"E Length: 122.84'
North: 2703.9457' East: 2118.3714'

Segment #15 : Line
Course: N85° 51' 00"E Length: 108.81'
North: 2711.8201' East: 2226.8961'

Segment #16 : Line
Course: N58° 47' 55"E Length: 125.15'
North: 2776.6537' East: 2333.9434'

Segment #17 : Line
Course: S56° 16' 00"E Length: 212.35'
North: 2658.7298' East: 2510.5403'

Segment #18 : Line
Course: S27° 42' 21"E Length: 4.37'
North: 2654.8608' East: 2512.5720'

Segment #19 : Line
Course: S23° 05' 44"W Length: 248.07'
North: 2426.6731' East: 2415.2626'

Segment #20 : Curve
Length: 27.50' Radius: 525.00'
Delta: 003.0009 (d) Tangent: 13.75'
Chord: 27.49' Course: S68° 24' 17"E
Course In: N23° 05' 44"E Course Out: S20° 05' 41"W
RP North: 2909.5954' East: 2621.2022'
End North: 2416.5543' East: 2440.8262'

Segment #21 : Line
Course: S20° 05' 41"W Length: 170.27'
North: 2256.6493' East: 2382.3260'

Segment #22 : Line
Course: S64° 05' 00"E Length: 38.40'
North: 2239.8661' East: 2416.8642'

Segment #23 : Line
Course: S75° 15' 00"E Length: 66.47'
North: 2222.9427' East: 2481.1437'

Segment #24 : Line
Course: S82° 00' 00"E Length: 66.38'
North: 2213.7044' East: 2546.8777'

Segment #25 : Line
Course: S00° 48' 18"W Length: 173.26'
North: 2040.4615' East: 2544.4435'

Segment #26 : Curve
Length: 41.51' Radius: 525.00'
Delta: 004.5298 (d) Tangent: 20.76'
Chord: 41.50' Course: N86° 55' 48"W
Course In: N00° 48' 18"E Course Out: S05° 20' 06"W
RP North: 2565.4097' East: 2551.8195'
End North: 2042.6839' East: 2503.0056'

Segment #27 : Line
Course: S05° 20' 06"W Length: 121.98'
North: 1921.2323' East: 2491.6640'

Segment #28 : Line
Course: N87° 05' 00"W Length: 73.52'
North: 1924.9733' East: 2418.2393'

Segment #29 : Line
Course: N72° 46' 48"W Length: 60.31'
North: 1942.8275' East: 2360.6327'

Segment #30 : Line
Course: N65° 58' 00"W Length: 66.37'
North: 1969.8579' East: 2300.0164'

Segment #31 : Line
Course: N60° 54' 00"W Length: 129.82'
North: 2032.9940' East: 2186.5832'

Segment #32 : Line
Course: N69° 48' 00"W Length: 66.86'
North: 2056.0806' East: 2123.8356'

Segment #33 : Curve
Length: 117.77' Radius: 530.00'
Delta: 012.7315 (d) Tangent: 59.13'
Chord: 117.53' Course: N07° 02' 40"W
Course In: S89° 19' 17"W Course Out: N76° 35' 23"E
RP North: 2049.8035' East: 1593.8728'
End North: 2172.7223' East: 2109.4219'

Segment #34 : Line
Course: S76° 35' 23"W Length: 60.00'
North: 2158.8070' East: 2051.0579'

Segment #35 : Line

error of closure.txt

12/7/2020

Course: N86° 27' 00"W Length: 191.28'
North: 2170.6510' East: 1860.1449'

Segment #36 : Line
Course: N79° 54' 00"W Length: 243.54'
North: 2213.3598' East: 1620.3790'

Segment #37 : Line
Course: N80° 48' 00"W Length: 208.74'
North: 2246.7334' East: 1414.3242'

Segment #38 : Line
Course: N88° 09' 46"W Length: 62.14'
North: 2248.7256' East: 1352.2161'

Segment #39 : Line
Course: N84° 47' 23"W Length: 9.07'
North: 2249.5492' East: 1343.1836'

Perimeter: 4043.68' Area: 566313.71 Sq. Ft.
Error Closure: 0.0238 Course: N85° 55' 33"W
Error North: 0.00169 East: -0.02375

Precision 1: 169902.94

PLANNING COMMISSION STAFF REPORT
MEETING DATE: JANUARY 26, 2021
PREPARED BY: LAURA BERGEY, AICP

NEW BUSINESS ITEM No. 2A

PROJECT NUMBER / TITLE: FDP-20-06 Final Development Plan for the Lakes of Conestoga

PROCESS INFORMATION

Type of Request: Final Development Plan

Date Received: December 11, 2020

APPLICATION INFORMATION

Applicant: Curtis Holland

Owner: Heather A. and Ronald E. Rutler / Karen R. and Mark W. Lewis

Parcel ID: CF231430-1012

Location: The southeast corner of E. Santa Fe Street and Conestoga Drive.

REQUESTED ACTION

Hold a public hearing on and consider a request to approve the Final Development Plan for the Lakes of Conestoga, a 1 lot, 95 unit manufactured/mobile home community, located at the southeast corner of E. Santa Fe Street and Conestoga Drive.

EXISTING ZONING AND LAND USE

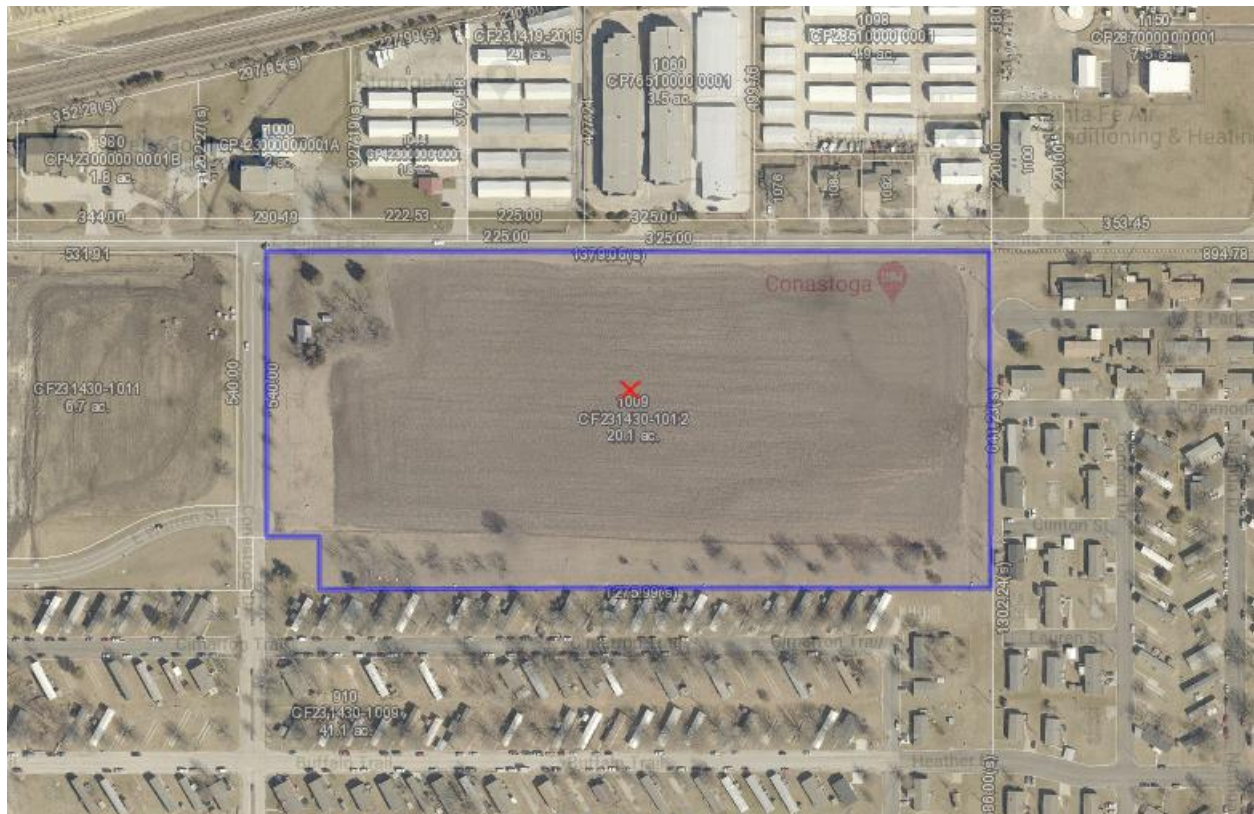
The site is currently zoned RM-P (Residential Manufactured and Mobile Home Planned District) and is undeveloped land in agricultural use.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
M-1 (Restricted Industrial) District	Pet Supply Store (Pets Go Here)
M-2 (General Industrial) District	Outdoor Self Storage (StorageMart)
C-3 (Heavy Commercial) District	Outdoor Self Storage (StorageMart and Attic Storage of Gardner) Single-Family Residential (3 unplatted homes)
MP-1 (Planned Restricted Industrial) District	Outdoor Self Storage (Gardner Auto Body & Towing and Outback Storage)
East of subject property	
M-P (Mobile Home Park) District	Mobile Home Park
South of subject property	
M-P (Mobile Home Park) District	Mobile Home Park
West of subject property	
CP-3 (Planned Commercial) District	Undeveloped land
R-2 (Two-Family Residential) District	Undeveloped land

EXISTING CONDITIONS

The property is currently unplatted and undeveloped. The proposed future development will be accessed from an existing collector street (Conestoga Drive) to the west and an existing private neighborhood street (Park Street) to the east. Existing sanitary sewer lines are located to the north along E Santa Fe Street, to the east of the property along proposed Private Street F, and along the southern property line. Underground electric lines exist near all property lines and existing water lines are located along the north, east, and west property lines.



BACKGROUND / HISTORY

The property was annexed on March 6, 1978 per Ordinance 1337. Currently, the property is not in use. At the time the property was annexed into the City, the property was zoned for retail business uses in 1971 and 1973, and a mobile home park in 1973 by the Gardner Township Zoning Board as part of Johnson County Government. In approximately 1982, a portion of the property was rezoned to R-2 (Two-Family Residential district) but was not developed and has remained undeveloped since.

CONSISTENCY WITH COMPREHENSIVE PLAN

The *Future Land Use Map* identifies this parcel for “Light Industrial & Office Park” future land use, which is described as areas with uses primarily consisting of light manufacturing, general office, and distribution. The Industrial Areas Plan, located in the Land Use and Development chapter of the Comprehensive Plan, further defines this parcel as “Local Industrial,” which is defined as “smaller pockets of manufacturing and light industrial operations that have a close relationship to adjacent residential or commercial areas and require unique strategies to ensure that they remain vital, and do not negatively impact nearby uses.” Although the parcel subject to this project is not in conformance with the *Future Land Use Map*, staff is supportive of the development request for the following reasons:

- The proposed site is located directly adjacent to existing manufactured/mobile home residential communities, with industrial and commercial type uses located to the north of the property across E Santa Fe Street and to the west of the property across Conestoga Drive, which act as a natural buffer between conflicting uses. The proposed development will be a continuation of the already existing residential development of the immediate surrounding area. Additional landscaping and design features have been provided by the applicant along the public right-of-way to enhance the buffer between uses.
- The development, as proposed, will provide affordable and attainable housing options for the people residing and working in the City of Gardner.

STAFF ANALYSIS – FINAL DEVELOPMENT PLAN

This application is being reviewed per the site plan and design review process of Section 17.03.060 of the Gardner LDC.

17.03.060 (B) Review Criteria:

1. In general, any final development plan in compliance with all requirements of this Code shall be approved.

Staff Comment: *The final development plan is generally in compliance with the Gardner LDC, with the exception of the approved deviations from the preliminary development plan.*

2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
 - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

Staff Comment: *The sites are capable of accommodating the buildings and other design elements required without negatively impacting adjacent property.*

- b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.

Staff Comment: *The design and arrangement of the buildings and open space is consistent with good design, principles, and practices. The site includes features and amenities that establish a built relationship with adjacent properties and the public realm.*

- c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.

Staff Comment: *The applicant is proposing architecture and building design using quality materials with styles appropriate for the context of the development. Example home images have been attached at the end of the document.*

- d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.

Staff Comment: *The overall design of the buildings are compatible to the context of the surrounding properties.*

- e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.

Staff Comment: *No additional site-specific conditions are necessary to meet the intent and design objectives of the applicable development standards.*

3. The application meets the criteria for all other reviews needed to build the project as proposed.

Staff Comment: *The applicant is required to submit and receive approval of a final plat and public improvement plans prior to construction.*

4. The recommendations of professional staff.

Staff Comment: *Staff recommends approval of the final development plan for the Lakes of Conestoga, with conditions outlined below.*

5. The final development plan is in substantial compliance with the approved preliminary development plan.

Staff Comment: *The final development plan is in substantial compliance with the approved preliminary development plan.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC

Underground electric lines are currently installed along all property lines and is to be extended into the property to serve the future development. Appropriate electric easements have been provided as requested.

SANITARY SEWER

The subject property is within the City of Gardner sanitary sewer service area. Sanitary sewer service will be extended into the property through 8" sanitary sewer lines to serve the future development. Appropriate sanitary sewer easements have been provided as requested.

WATER

Existing public water lines are located adjacent to the site and easements have been provided as requested. However, the applicant is showing public utility easements on the plat, which are to be dedicated to the City, but is proposing a private water system to service the development. The applicant is currently in discussions with the Utility Department regarding water provision and the potential use of private lines to serve the individual mobile home sites.

STORM WATER

Public Works has reviewed and approved the submitted Stormwater Management Plan, dated August 28, 2020. A stormwater retention pond has been integrated into this project to capture the development's onsite runoff. The applicant has increased the size of the basin in order to be able to have a larger wet feature designed to be an amenity for the entire neighborhood.

ROADWAY NETWORK; VEHICULAR ACCESS; SIDEWALKS

The applicant is planning to extend Park Street (adjacent existing private street with temporary cul-de-sac) west throughout the development to connect with Conestoga Drive (collector street) and will construct five (5) internal private street networks within the subject property, Private Streets B, C, D, E, and F, that extend south and provide individual home site access. It is important

to note that these internal private streets do not connect to adjacent street networks, and are dead-end streets with hammerhead style turnarounds.

The Local – Neighborhood Street requires a 5' sidewalk on both sides of all streets while maintaining a 6' planting bed between the curb and sidewalk for street trees. These requirements have been met and the applicant has proposed a 5' sidewalks to be installed on both sides of all internal streets. Additionally, the applicant has provided sidewalk connections along Santa Fe Street that connect to existing sidewalks along Conestoga Drive and to adjacent properties.

FIRE SERVICE

Fire service is provided by Johnson County Fire District 1

ATTACHMENTS

- I. Final Development Plan FDP-20-06
- II. Example Home Images
- III. Community Pavilion and Storm Shelter Renderings
- IV. Application

RECOMMENDATION

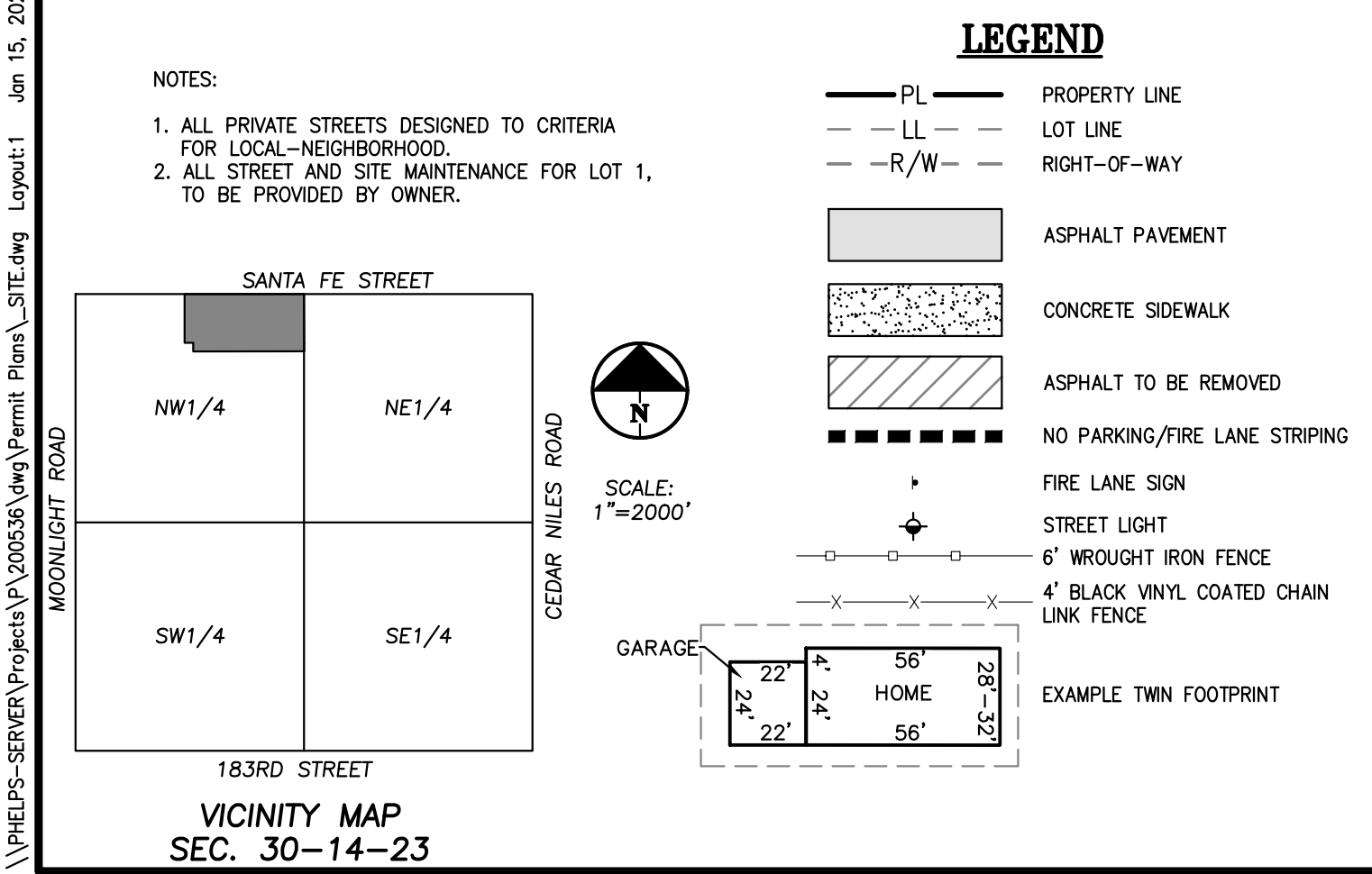
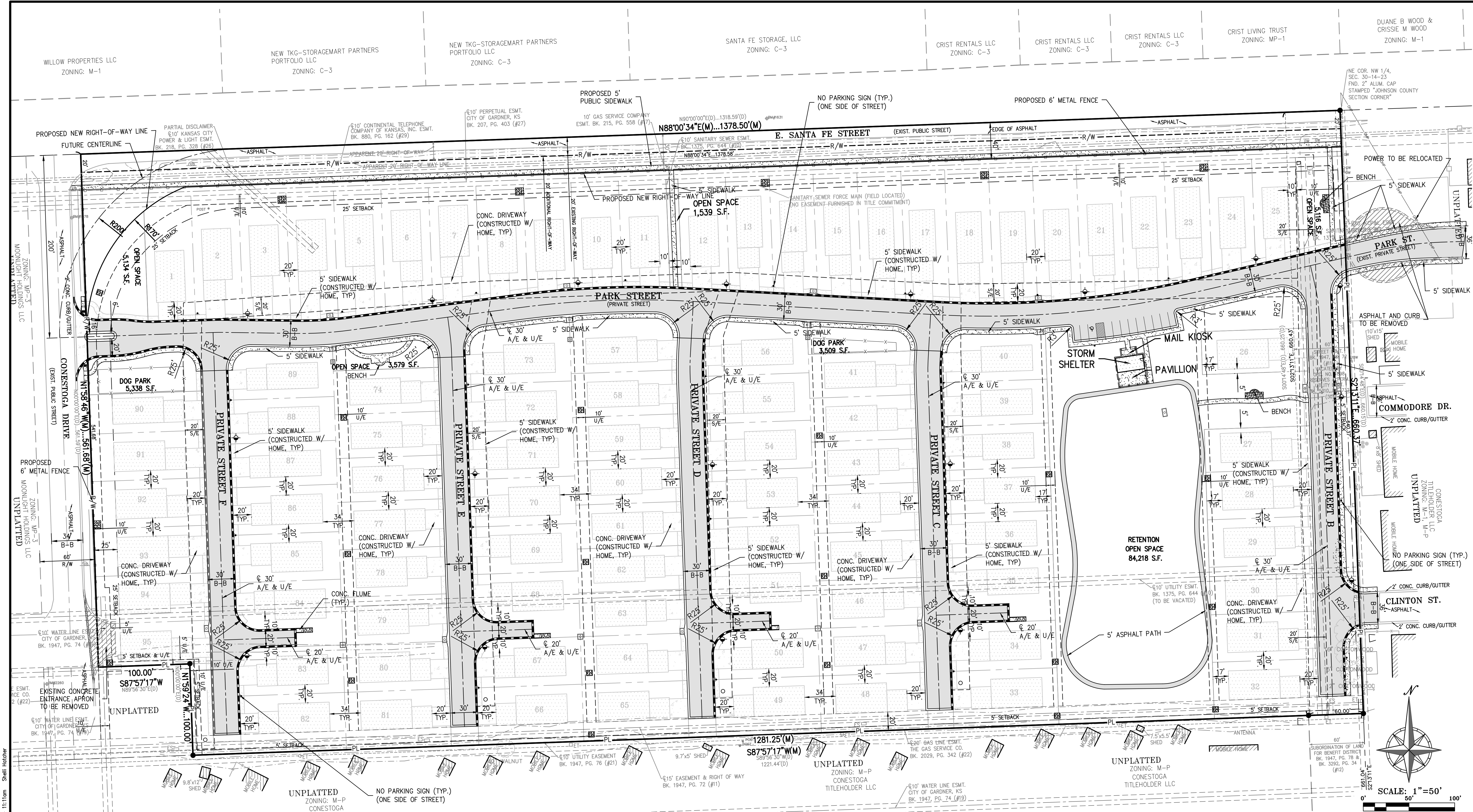
Staff recommends approval of the final development plan for the Lakes of Conestoga subject to the following conditions:

- 1. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit.

Recommended Motion:

After review of application FDP-20-06, a final development plan for the Lakes of Conestoga, dated January 15, 2021 and staff report dated January 26, 2021, the Planning Commission approves the application provided the following conditions are met:

- 1. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to issuance of a building permit.



OWNER/DEVELOPER:
GREEN COURTE ACQUISITION IV, LLC
303 WEST MADISON STREET, SUITE 1500
CHICAGO, IL 60606
(312) 966-3824
CONTACT: JIM MURRAY

CIVIL ENGINEER:
PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS 66061
913-393-1155 OFFICE
913-393-1166 FAX
CONTACT: JUDD CLAUSSEN, P.E.
EMAIL: jclausse@phelpsengineering.com

FLOOD NOTE:
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:
All that part of the Northwest Quarter of Section 30, Township 14 South, Range 23 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:
Beginning at the Northeast corner of the Northwest Quarter of said Section 30, thence S 21°11' E (S 01°48' E deeded), along the East line of the Northwest Quarter of said Section 30, a distance of 660.37 feet (660.15 feet deeded); thence S 87°57'17" W (S 89°56'30" W deeded), a distance of 1281.25 feet; thence N 1°59'24" W (N 00°00'00" E deeded), a distance of 100.00 feet; thence S 87°57'17" W (N 89°56'30" E deeded), a distance of 100.00 feet; thence N 1°58'46" W (N 00°00'00" E deeded), a distance of 561.68 feet (561.59 feet deeded) to a point on the North line of the Northwest Quarter of said Section 30; thence N 88°00'34" E (N 90°00'00" E deeded), along the North line of the Northwest Quarter of said Section 30, a distance of 1378.50 feet to the point of beginning, containing 20.7102 acres, more or less, unplatted land, subject to that part in streets and roads.

GROSS AREA = ±20.7102 ACRES / ±902,136 SQ.FT.
NET AREA = ±20.0772 ACRES / ±874,563 SQ.FT.

GENERAL PAVING NOTES:

- Prior to placement of granular base or asphalt, proof roll and re-compact the exposed surfaces up to a minimum lateral distance of two (2) feet outside the pavement. Any localized soft, wet, or loose areas identified during the proof rolling should be repaired prior to paving. Fill material should be placed in loose lifts up to a maximum of eight (8) inches in thickness and compacted to at least 90% of the maximum dry density in accordance with ASTM D698. Moisture contents within one and one-half (1 1/2) feet of the optimum for soils with a liquid limit of greater than 40, and - < 70% of the optimum for soils with a liquid limit of less than 40, maximum dry density and optimum moisture content should be determined by the standard proctor test (ASTM D 1556).
- Proofroll with a 25-ton rubber tire vehicle and repair subgrade deficiencies. If any significant event, such as precipitation, occurs after proofrolling, the subgrade should be reviewed by qualified personnel immediately prior to placing the pavement.
- Crushed stone base course used beneath concrete paving shall be compacted AB-3 or equivalent.
- Asphaltic surface course shall be ASPHA TYPE 3. The surface course should be compacted to a minimum of 97% MARSHALL DENSITY (ASTM SPECIFICATION D 1559). 30X RAP IS ALLOWED.
- Asphaltic base course shall be ASPHA TYPE 1. The base course should be compacted to a minimum of 95% MARSHALL DENSITY (ASTM SPECIFICATION D 1559). 30X RAP IS ALLOWED.
- The contractor shall provide a tack coat between lifts of asphalt.
- In new pavement areas, contractor shall over excavate as required to establish new compacted subgrade elevations.
- Contractor is responsible for all pavement and subgrade materials testing.

GENERAL CITY NOTES:

- Per Section 17.06.020 (E.3.a) Any MH dwelling shall be secured to the ground by tie downs and ground anchors in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234.
- Per Section 17.06.020 (E.3.b) Any MH dwelling shall be skirted within 30 days after placement in the community by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home and consistent with the quality of development in the community.
- Per Section 17.06.020 (E.3.c) Any MH dwelling shall be blocked at a maximum of 10-foot centers around the perimeter, and this blocking shall provide 16 inches bearing upon the stand.
- Per Section 17.06.020 (E.3.d) Any MH dwelling shall be located on a hard surface pad, a minimum of 18-inch concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points, with a proper surface between to control weeds.
- Street Lights shall meet the specifications of City UD 17.08.050.

Parking Summary

Mobile Homes	
Driveway Parking Provided (2 per Unit)	190 Spaces
Surface Parking Provided	12 Spaces
Garage Parking Provided (50%)	100 Spaces
Total Parking Provided	302 Spaces
Number of Parking Spaces per Unit Provided	3.18
Handicap Parking Spaces Provided	1 Spaces
Total Parking Required	
Number of Parking Spaces per Unit Required	190 Spaces
Handicap Parking Spaces Required	1 Spaces

Open Space Calculations

Requirement of Open Space	200 Sq. Ft. x 95 Units = 19,000 Sq. Ft./0.44 Ac.	158' x 135' 320 Sq. Ft./2.11 Ac.*	122' x 107' 785 Sq. Ft./2.47 Ac.
Requirement of Open Space	200 Sq. Ft. x 95 Units = 19,000 Sq. Ft./0.44 Ac.	158' x 135' 320 Sq. Ft./2.11 Ac.*	122' x 107' 785 Sq. Ft./2.47 Ac.
Open Space Provided	84,218 S.F.	84,218 S.F.	84,218 S.F.

Building and Lot Data PROPOSED REQUIRED CITY ORDINANCE NO.

Site Area (Gross)	20.7 Ac.	15.0 Ac. (Min.)	18.55,040.A
Existing Zoning	R-2, C-3, M-P		
Proposed Zoning	M-P		
Density (Units / Acre)	95 units	6.0 (Max.)	18.55,070.B
Average Lot Area per Unit	9,496 SF/Unit	4,000 SF/Unit	18.55,070.B
Front Lot Setback	25 feet	25 feet	18.30,060.A
Front Setback	25 feet	25 feet	18.30,060.A
Side Setback	20 feet	5 feet	18.30,060.B
Rear Setback	25 feet	25 feet	18.30,060.C
Building Separation	20 feet	20 feet	18.55,070.E
Building Height	35 feet(Max.)		

PRIVATE STREET SECTION NTS

OVERALL SITE PLAN
FINAL DEVELOPMENT PLAN FDP-20-06 FOR
LAKES OF CONESTOGA
1009 E SANTA FE STREET, GARDNER, KS

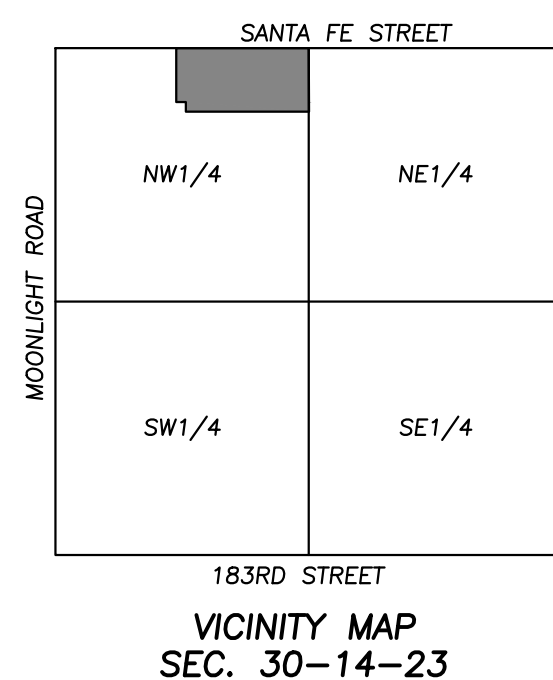
PHILIPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax: (913) 393-1166
www.phelpsengineering.com

PLANNING ENGINEERING IMPLEMENTATION

PH




















PROJECT NO. 200536
DATE: 12-17-20
DRAWN BY: ALN
CHECKED BY: ALN
APPROVED BY: JCU
DATE: 1-15-21
REVISIONS PER CITY COMMENTS
NO. 1
DATE 1-15-21
REVISIONS PER CITY COMMENTS

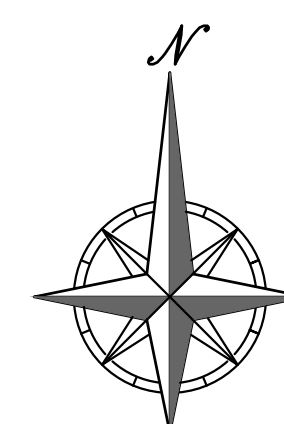
SHEET C1



Know what's **below**.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR
LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

	PROPERTY LINE
	LOT LINE
	RIGHT-OF-WAY
	EXISTING GAS LINE
	EXISTING BURIED ELECTRIC LINE
	EXISTING OVERHEAD POWER LINE
	EXISTING SANITARY SEWER LINE
	EXISTING STORM SEWER LINE
	EXISTING BURIED TELEPHONE LINE
	EXISTING WATER LINE
	PROPOSED BURIED ELECTRIC LINE
	PROPOSED SANITARY SEWER LINE
	PROPOSED STORM SEWER LINE
	PROPOSED WATER LINE
	PROPOSED GAS LINE
	PROPOSED FIRE HYDRANT
	WATER VALVE
	PROPOSED SANITARY SEWER MANHOLE
	STREET LIGHT



SCALE: 1"=60'

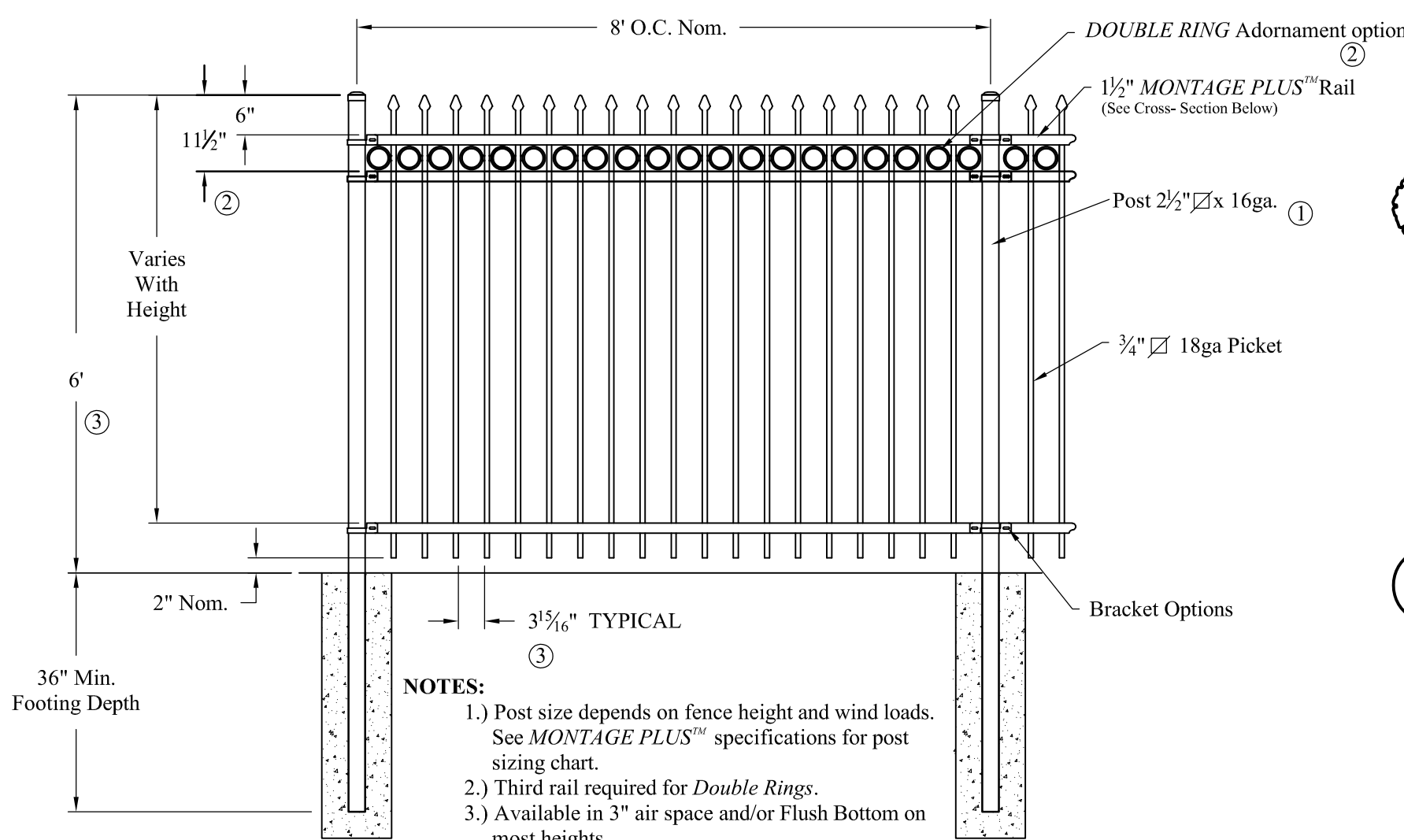
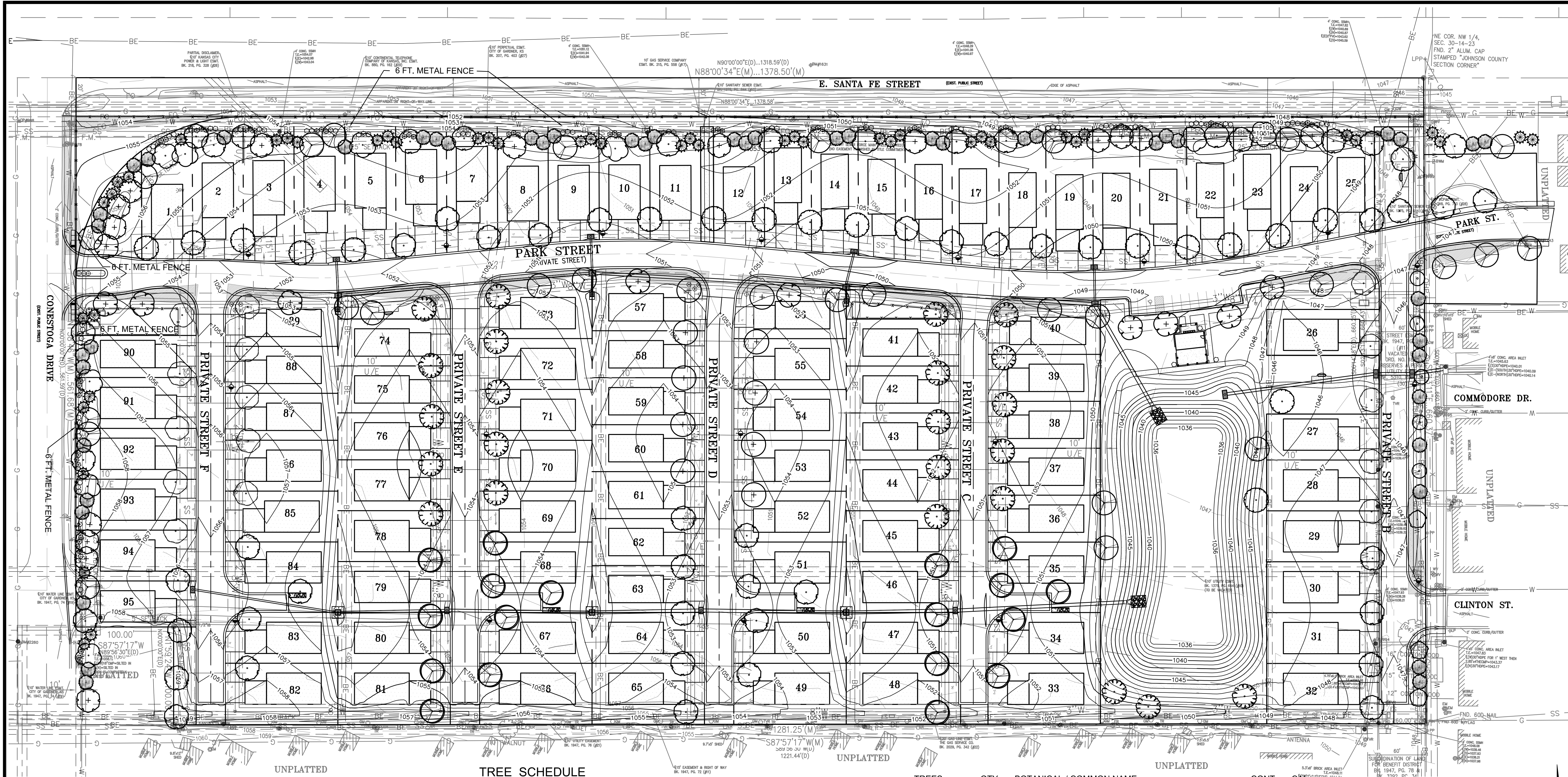
PROJECT PLAN
FINAL DEVELOPMENT PLAN FDP-20-06 FOR
LAKES OF CONESTOGA
1009 E SANTA FE STREET, GARDNER, KS

[illegible]

SHEET
C3

**PLANNING
ENGINEERING
IMPLEMENTATION**

HELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166
www.helpsengineering.com



- NOTES:
- 1.) Post size depends on fence height and wind loads. See MONTAGE PLUSTM specifications for post sizing chart.
 - 2.) Third rail required for Double Rings.
 - 3.) Available in 3" air space and/or Flush Bottom on most heights.

**6 FT. AMERISTAR
METAL FENCE**

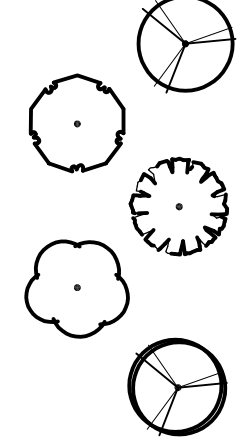
Utility Note:

Utilities shown on plan are diagrammatic and some may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-DIG-SAFE (344-7233) to have utilities located.

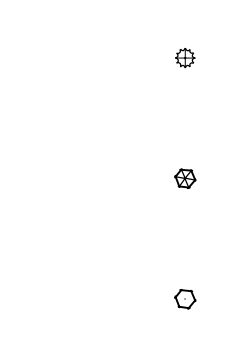
TREE SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL
	16	Acer campestre / Hedge Maple	B & B	2" Cal
	15	Acer rubrum 'October Glory' TM / October Glory Maple	B & B	2" Cal
	10	Celtis occidentalis 'Prairie Pride' / Prairie Pride Hackberry	B & B	2" Cal
	5	Cercis canadensis / Oklahoma Redbud	B & B	1.5" Cal
	3	Chionanthus virginicus / White Fringetree	B & B	1.5" Cal
	10	Gleditsia triacanthos 'Skyline' / 'Skyline' Honey Locust	B & B	2" Cal
	15	Gymnocladus dioica / Kentucky Coffee Tree	B & B	2" Cal
	46	Juniperus virginiana 'Canaertii' / Canaerti Juniper	B & B	6' hgt.
	48	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Pine	B & B	6' hgt.

TREES



SHRUBS



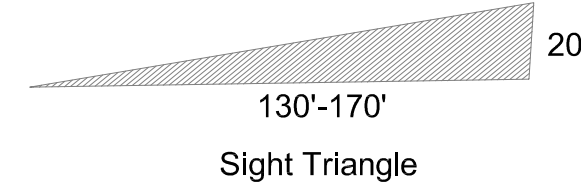
QTY	BOTANICAL / COMMON NAME	CONT	CAL
23	Quercus bicolor / Swamp White Oak	B & B	2" cal.
53	Quercus shumardii / Shumard Red Oak	B & B	2" Cal
20	Taxodium distichum 'Shawnee Brave' TM / Bald Cypress	B & B	2" Cal
10	Ulmus x 'Frontier' / American Elm	B & B	2" Cal
19	Zelkova serrata 'Village Green' / Sawleaf Zelkova	B & B	2" Cal
QTY	BOTANICAL / COMMON NAME	CONT	CAL
3	Juniperus virginiana 'Grey Owl' / Grey Owl Juniper 24" hgt. & sp.	3 gal	
61	Rhus copallina latifolia 'Prairie Flame' TM / Dwarf Sumac 24"-30" hgt.	3 gal	
86	Rhus typhina 'Tiger Eyes' / Tiger Eyes Sumac 24"-30" hgt. & sp.	5 gal	

Plant Specification Note:

All plantings shall meet Section 17.08.030 Landscape Design item D. Plant Specifications Table 8-4 except turf will be drill seeding and hydro mulching.

Street Tree Planting Note:

Street trees will be planted on individual lots after living units are placed on each lot.

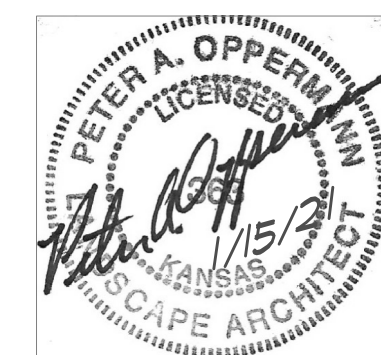


SCALE 1" = 50'

**Final Landscape Plan
The Lakes Of
Conestoga**

Gardner, Kansas

LS-1



Oppermann LandDesign, LLC
Land Planning & Landscape Architecture
18990 West 117th Street
Olathe, Kansas 66061
oppermannlanddesign.com
pete@oppermannland.com
913.894.9407

1/15/2021









SOUTH ELEVATION

THE LAKES OF CONESTOGA

New Storm Shelter / Pavillion
1009 East Santa Fe Street
Gardner, Kansas 66030



NORTH ELEVATION

THE LAKES OF CONESTOGA

New Storm Shelter / Pavillion
1009 East Santa Fe Street
Gardner, Kansas 66030



EAST ELEVATION

THE LAKES OF CONESTOGA

New Storm Shelter / Pavillion
1009 East Santa Fe Street
Gardner, Kansas 66030



WEST ELEVATION

THE LAKES OF CONESTOGA

New Storm Shelter / Pavillion
1009 East Santa Fe Street
Gardner, Kansas 66030

SITE PLAN AND DESIGN REVIEW FINAL DEVELOPMENT PLAN APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Heather A. and Ronald E. Rutler / Karen R. and Mark W. Lewis
Contact _____
Address 17767 S Laverty Street / 5 Tara Drive
City Olathe / St. Joseph State KS/MO Zip 66062 / 64507
Phone _____ Email _____

APPLICANT/AGENT INFORMATION


Name(s) Green Courte Acquisition IV, LLC, by Polsinelli PC, its agent
Contact Curtis Holland
Address 900 W. 48th Place, Suite 900
City Kansas City State MO Zip 64112
Phone 913-234-7411 Email cholland@polsinelli.com

SITE INFORMATION

Property Address/Location: 1009 E Santa Fe Street
Legal Description (Attach If Necessary) See Attached
Number of Existing Lots N/A Number of Proposed Lots 1
Total Site Area 20.7 Acres Present Zoning RM-P
Proposed Use Mobile Home Community Present Land Use Undeveloped
Proposed Street Design Type(s) & Class Private Streets designed to Local Standard Street Type
Proposed Type(s) Open & Civic Space Green
Proposed Frontage Type(s) Suburban Yard
Proposed Building Types(s) N/A

SIGNATURE

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for a site plan and design review or final development plan as indicated above.

Signature(s):  Date December 11, 2020

Date _____

SITE PLAN AND DESIGN REVIEW, AND FINAL DEVELOPMENT PLAN APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 complete sets of full sized plans printed including color elevations, folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Copy of all covenants and restrictions applicable to the development, if applicable.
Not applicable |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Sign posting affidavit. Not applicable - not a public hearing |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency or document dedicating the facilities to the city.
Not applicable |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat or by the filing of the final development plan. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Evidence of satisfaction of any conditions of the preliminary development plan approval which were conditions precedent to consideration of the final development plan. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 11. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) Not applicable |

PLAN REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Vicinity map to scale with north point showing railroads, major streams or rivers, and public streets in the vicinity of the site. (Suggested scale of 1" = 1000'.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Scale, legend, and north arrow clearly shown, with orientation at top or left as north (not less than 1"=100' scale). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Dates of plan preparation and/or plan revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Ownership, zoning, and land use of the site and surrounding properties within 200 feet; both existing and proposed. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Names, addresses, and phone numbers of all companies, firms, or individuals involved in the preparation of the plan (i.e. developer, property owner, architect, landscape architect, planner, engineer, surveyor, etc.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Setback lines: building and parking with dimensions in feet. |

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Setback lines: building and parking with dimensions in feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Lots and tracts identified clearly , with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet and acres. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Note on the plan indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Setback lines: building and parking with dimensions in feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Location of existing open space, alleys, parks, streams, ponds, vegetation or other similar features within plan area, and whether they are to be retained or removed. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Existing utilities , including sanitary sewer, force main, water main, gas mains, culverts and storm sewer pipe, street lights, electric conduits, and invert elevations of sewers at points of proposed connection. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Proposed street network , including right-of-way, bearings, tangents, dimensions, and horizontal and vertical curvature data along the centerline of each street. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. All public streets within the plan conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. Design of crosswalks, on street parking, shoulder, pavement and lane dimensions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Intersection site distance analysis. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Driveways, parking lots and stalls, aisles, and loading and service areas and docks and dimensions. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Median breaks and turning lanes , including sizes and radii; both existing and proposed.
<i>Not needed..</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Vehicle maneuvering/turning templates reflecting the site can accommodate a minimum SU-30 class vehicles (for emergency access to all areas of the site), and the appropriate site-design vehicle for any other special areas of the site (such as delivery or dock areas, etc.), as necessary. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. Existing and proposed sidewalks and/or trail locations including proposed widths. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. Proposed utilities , including approximate location of sanitary sewer, water main, and street lights. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 22. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Any area within a federally designated floodplain. Location, stations, and elevations of the 100-year floodplain within the plan area and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991).
<i>Entire property in Zone X and noted on plans. No further action needed.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Stream corridor boundary and dimensions.
<i>Not applicable.</i> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Phasing Plan , if applicable.
<i>Not applicable.</i> |

- | Yes | No | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 26. Planned amenities , such as fountains, art, outdoor seating, waste receptacles, etc. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 27. Any buildings within the plan area which are existing or proposed, with status indicated including dimensions (i.e. to remain, remodel, new, to be demolished as part of Phase 2, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 28. Distances between all buildings , between buildings and property lines, and between parking areas and property lines. |
| | | 29. Existing Topography and Proposed Grading of the area contained in the plan area and within 20 feet of the boundary shown by 2-foot contour intervals. Contour lines shall be legible but not overpowering. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 30. Building elevations depicting the architectural style, size, exterior construction materials, and colors for each type of building proposed, and dimensions. If an architectural theme is planned, elaboration on the intent and extent of the scheme and details shall be provided. Elevations shall provide sufficient information to determine relationships between various elements, building height, proportion, bedroom counts, approximate square footage, etc. Rooftop and ground-mounted mechanical equipment shall be shown on elevations. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 31. Screen walls, fences, trash enclosures, and mail kiosks (existing and proposed), including location, height, and materials. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 32. Table indicating lots, land areas, buildings, number of stories, building coverage, and all other quantities relative to the submitted plan that are required to determine compliance with City codes. For commercial buildings, indicate service floor areas and number of tenant spaces, if applicable. For residential buildings, indicate dwelling units; if multiple building types, provide an additional table indicating dwelling units by building type. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 33. Table indicating required and proposed parking spaces. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 34. Landscaping plan and table indicating all proposed landscaping, noting common and botanical names, numbers, and planting sizes. Note all other areas to be sodded. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 35. All exterior sign locations. Include elevations and details. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 36. All outside lighting facilities: Location, height, wattage, and type including shielding, for buildings, parking lots and outdoor storage areas. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 37. Outdoor storage areas , including location, dimensions and design. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 38. Planned amenities , such as fountains, art, outdoor seating, waste receptacles, etc. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 39. Preliminary design and location of all proposed storm drainage conveyance, detention and treatment facilities and locations of existing drainage facilities. |

I hereby submit all information required for a site plan and design review, or final development plan application review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted.

Curtis M. Holland

Signature of Applicant

December 11, 2020

Date

PLANNING COMMISSION STAFF REPORT
MEETING DATE: JANUARY 26, 2021
PREPARED BY: LAURA BERGEY, AICP

NEW BUSINESS ITEM No. 2B

PROJECT NUMBER / TITLE: FP-20-11 Final Plat for the Lakes of Conestoga

PROCESS INFORMATION

Type of Request: Final Plat

Date Received: December 11, 2020

APPLICATION INFORMATION

Applicant: Curtis Holland

Owner: Heather A. and Ronald E. Rutler / Karen R. and Mark W. Lewis

Parcel ID: CF231430-1012

Location: The southeast corner of E. Santa Fe Street and Conestoga Drive.

REQUESTED ACTION

Hold a public hearing on and consider a request to approve the Final Plat for the Lakes of Conestoga, a 1 lot, 95 unit manufactured/mobile home community, located at the southeast corner of E. Santa Fe Street and Conestoga Drive.

EXISTING ZONING AND LAND USE

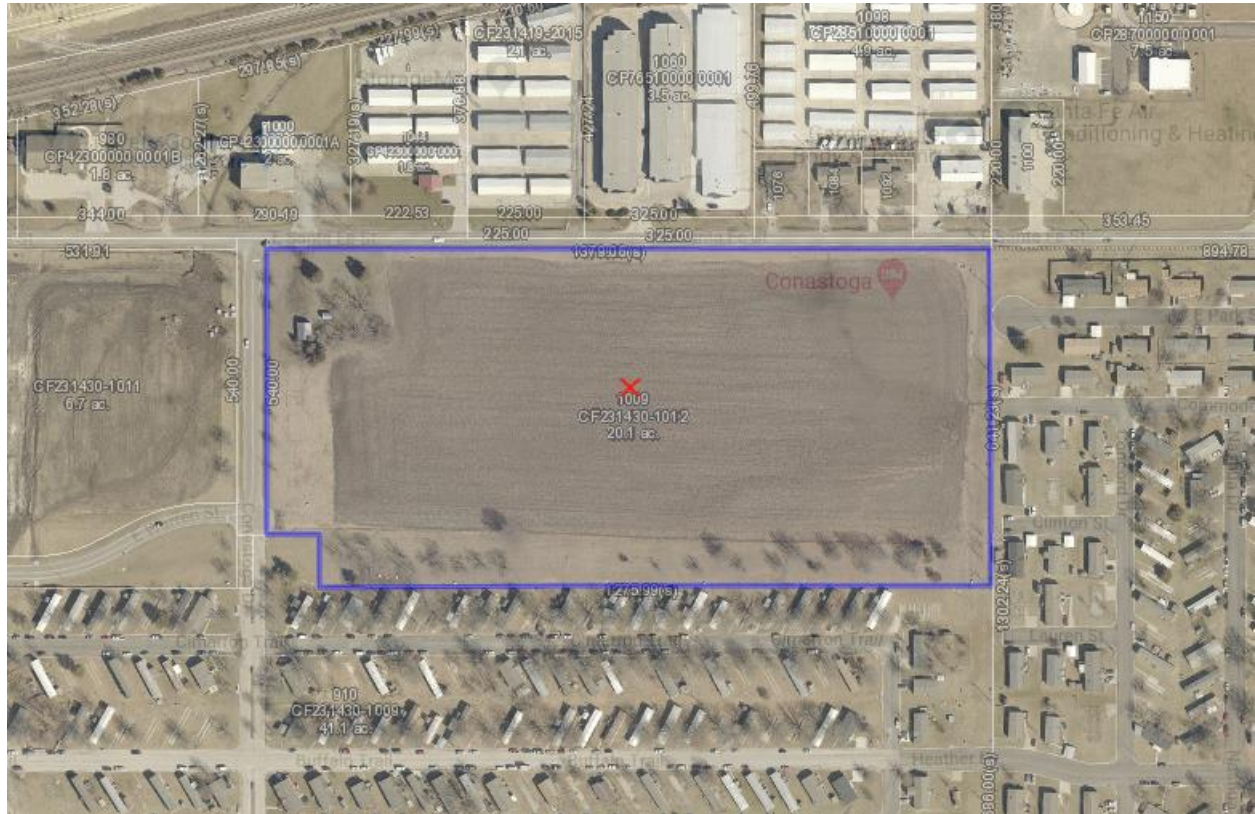
The site is currently zoned RM-P (Residential Manufactured and Mobile Home Planned District) and is undeveloped land in agricultural use.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
M-1 (Restricted Industrial) District	Pet Supply Store (Pets Go Here)
M-2 (General Industrial) District	Outdoor Self Storage (StorageMart)
C-3 (Heavy Commercial) District	Outdoor Self Storage (StorageMart and Attic Storage of Gardner) Single-Family Residential (3 unplatted homes)
MP-1 (Planned Restricted Industrial) District	Outdoor Self Storage (Gardner Auto Body & Towing and Outback Storage)
East of subject property	
M-P (Mobile Home Park) District	Mobile Home Park
South of subject property	
M-P (Mobile Home Park) District	Mobile Home Park
West of subject property	
CP-3 (Planned Commercial) District	Undeveloped land
R-2 (Two-Family Residential) District	Undeveloped land

EXISTING CONDITIONS

The property is currently unplatted and undeveloped. The proposed future development will be accessed from an existing collector street (Conestoga Drive) to the west and an existing private neighborhood street (Park Street) to the east. All utilities are available to this site and will be serviced by the City of Gardner. Existing sanitary sewer lines are located to the north along E Santa Fe Street, to the east of the property along proposed Private Street F, and along the southern property line. Underground electric lines exist near all property lines and existing water lines are located along the north, east, and west property lines.



BACKGROUND / HISTORY

The property was annexed on March 6, 1978 per Ordinance 1337. Currently, the property is not in use. At the time the property was annexed into the City, the property was zoned for retail business uses in 1971 and 1973, and a mobile home park in 1973 by the Gardner Township Zoning Board as part of Johnson County Government. In approximately 1982, a portion of the property was rezoned to R-2 (Two-Family Residential district) but was not developed and has remained undeveloped since.

CONSISTENCY WITH COMPREHENSIVE PLAN

The *Future Land Use Map* identifies this parcel for “Light Industrial & Office Park” future land use, which is described as areas with uses primarily consisting of light manufacturing, general office, and distribution. The Industrial Areas Plan, located in the Land Use and Development chapter of the Comprehensive Plan, further defines this parcel as “Local Industrial,” which is defined as “smaller pockets of manufacturing and light industrial operations that have a close relationship to adjacent residential or commercial areas and require unique strategies to ensure that they remain

vital, and do not negatively impact nearby uses.” Although the parcel subject to this project is not in conformance with the *Future Land Use Map*, staff is supportive of the development request for the following reasons:

- The proposed site is located directly adjacent to existing manufactured/mobile home residential communities, with industrial and commercial type uses located to the north of the property across E Santa Fe Street and to the west of the property across Conestoga Drive, which act as a natural buffer between conflicting uses. The proposed development will be a continuation of the already existing residential development of the immediate surrounding area. Additional landscaping and design features have been provided by the applicant along the public right-of-way to enhance the buffer between uses.
- The development, as proposed, will provide affordable and attainable housing options for the people residing and working in the City of Gardner.

STAFF ANALYSIS – FINAL PLAT

17.03.020 (E)(1) Review Criteria:

- a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

Staff Comment: *The layout and design of the final plat is in substantial compliance with the approved preliminary plat regarding lot and street layout.*

- b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County.*

- c. The phasing and timing of public improvements ensures construction and performance guarantees.

Staff Comment: *The Public Improvement Plan has been submitted, reviewed, and approved by Public Works, ensuring the construction of public improvements complies with City of Gardner performance specifications and guarantees.*

- d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

Staff Comment: *There are no deviations requested from the preliminary plat.*

- e. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends the Planning Commission approve the final plat with the conditions outlined below and forward a recommendation to the Governing Body to accept the dedication of right-of-way and easements.*

EXCISE TAX

Excise tax is levied with the act of platting the portion of the property in the city. The subject property has never been platted previously and is therefore subject to paying excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets and public open space / parkland dedication. The Lakes of Conestoga plat does not include separate Tracts designated as public open space or right-of-way dedicated for arterial type streets. Therefore, the entire property is subject to excise tax that shall be paid prior to the release of the final plat for recording.

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

ELECTRIC

Underground electric lines are currently installed along all property lines and is to be extended into the property to serve the future development. Appropriate electric easements have been provided as requested.

SANITARY SEWER

The subject property is within the City of Gardner sanitary sewer service area. Sanitary sewer service will be extended into the property through 8" sanitary sewer lines to serve the future development. Appropriate sanitary sewer easements have been provided as requested.

WATER

Existing public water lines are located adjacent to the site and easements have been provided as requested. However, the applicant is showing public utility easements on the plat, which are to be dedicated to the City, but is proposing a private water system to service the development. The applicant is currently in discussions with the Utility Department regarding water provision and the potential use of private lines to serve the individual mobile home sites.

STORM WATER

Public Works has reviewed and approved the submitted Stormwater Management Plan, dated August 28, 2020. A stormwater retention pond has been integrated into this project to capture the development's onsite runoff. The applicant has increased the size of the basin in order to be able to have a larger wet feature designed to be an amenity for the entire neighborhood

ROADWAY NETWORK; VEHICULAR ACCESS; SIDEWALKS

The applicant is planning to extend Park Street (adjacent existing private street with temporary cul-de-sac) west throughout the development to connect with Conestoga Drive (collector street) and will construct five (5) internal private street networks within the subject property, Private Streets B, C, D, E, and F, that extend south and provide individual home site access. It is important to note that these internal private streets do not connect to adjacent street networks, and are dead-end streets with hammerhead style turnarounds.

The Local – Neighborhood Street requires a 5' sidewalk on both sides of all streets while maintaining a 6' planting bed between the curb and sidewalk for street trees. These requirements have been met and the applicant has proposed a 5' sidewalks to be installed on both sides of all internal streets. Additionally, the applicant has provided sidewalk connections along Santa Fe Street that connect to existing sidewalks along Conestoga Drive and to adjacent properties.

FIRE SERVICE

Fire service is provided by Johnson County Fire District 1

ATTACHMENTS

- I. Final Plat FP-20-11
- II. Application

RECOMMENDATION

Staff recommends approval of the final plat for the Lakes of Conestoga subject to the following conditions:

- 1. Approval of final development plan

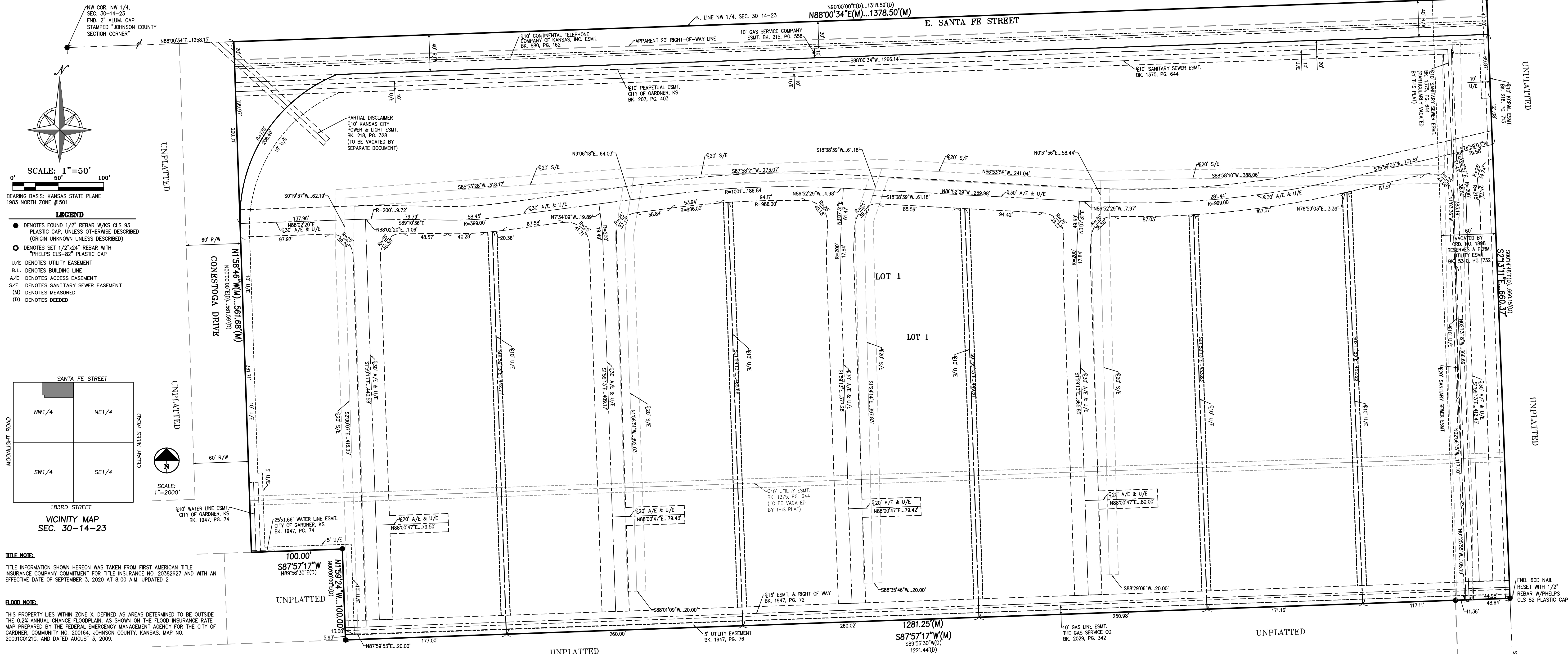
Recommended Motion:

After review of application FP-20-11 a final plat for the Lakes of Conestoga, dated January 15, 2021 and staff report dated January 26, 2021, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

- 1. Approval of final development plan

FINAL PLAT OF LAKES OF CONESTOGA

A SUBDIVISION OF LAND IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 23 EAST,
IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS



TITLE NOTE:
TITLE INFORMATION SHOWN HEREON WAS TAKEN FROM FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE NO. 20382627 AND WITH AN EFFECTIVE DATE OF SEPTEMBER 3, 2020 AT 8:00 A.M. UPDATED 2

FLOOD NOTE:
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF GARDNER, COMMUNITY NO. 200164, JOHNSON COUNTY, KANSAS, MAP NO. 20091001216, AND DATED AUGUST 3, 2009.

LEGAL DESCRIPTION
All that part of the Northwest Quarter of Section 30, Township 14 South, Range 23 East, in the City of Gardner, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Section 30, thence S 2°13'11" E (S 0°14'48" E deeded), along the East line of the Northwest Quarter of said Section 30, a distance of 660.37 feet (660.15 feet deeded); thence S 87°57'17" W (S 89°56'30" W deeded), a distance of 1281.25 feet; thence N 1°59'24" W (N 00°00'00" E deeded), a distance of 100.00 feet; thence S 87°57'17" W (N 89°56'30" E deeded), a distance of 100.00 feet; thence N 1°58'46" W (N 00°00'00" E deeded), a distance of 561.68 feet (561.59 feet deeded) to a point on the North line of the Northwest Quarter of said Section 30; thence N 88°00'34" E (N 90°00'00" E deeded), along the North line of the Northwest Quarter of said Section 30, a distance of 1378.50 feet to the point of beginning, containing 20.7102 acres, more or less, unplatted land.

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "THE LAKES OF CONESTOGA".

DEDICATION
The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietors hereby oblige and agree to indemnify the City of Gardner from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, gas, poles, wires, ducts and cable, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the City with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement or license to lay, construct, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the City of Gardner, Johnson County, Kansas or their assigns.

Permanent Access Easement rights for vehicular and pedestrian ingress and egress and cross traffic is hereby granted to the owners and occupants and their guests in the areas outlined and designated on this plat as "Access Easement" or "A/E".

All public easements lying within the above described tract of land and are not shown hereon are hereby vacated by virtue of KSA 12-512(b) as amended.

All common areas and open space shall be maintained by the property owner.

CONSENT TO LEVY

The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public ways or thoroughfares.

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this _____ day of _____, 20____.

CONESTOGA EXPANSION, L.L.C.

By: _____
John Lyons, Member

STATE OF _____)
COUNTY OF _____)

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came John Lyons, Member of Conestoga Expansion, L.L.C., who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

APPROVED BY: the Planning Commission of the City of Gardner, Johnson County, Kansas,
this _____ day of _____, 20____.

Chairman: Scott Boden

APPROVED BY: the Governing Body of the City of Gardner, Johnson County, Kansas,
this _____ day of _____, 20____.

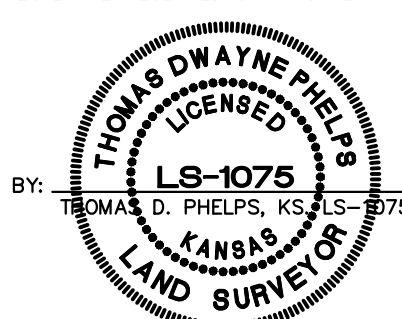
Attest _____

ACKNOWLEDGEMENT

Mayor: Steve Shute

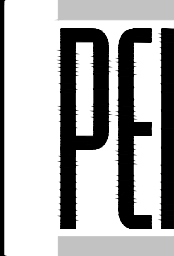
City Clerk: Sharon Rose

I, THOMAS D. PHELPS, HEREBY CERTIFY THAT IN DECEMBER 2020, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.



CERTIFICATE OF AUTHORIZATION
KANSAS
LAND SURVEYING - LS-82
ENGINEERING - E-391

CERTIFICATE OF AUTHORIZATION
MISSOURI
LAND SURVEYING-2007001128
ENGINEERING-2007005058



PLANNING
ENGINEERING
IMPLEMENTATION

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

FINAL PLAT APPLICATION

Pre-App Date _____

Fee _____

File No. _____

OWNER INFORMATION

Name(s) Heather A. and Ronald E. Rutler / Karen R. and Mark W. Lewis

Contact _____

Address 17767 S Lavery Street / 5 Tara Drive

City Olathe / St. Joseph State KS/MO Zip 66062 / 64507

Phone _____ Email _____

APPLICANT/AGENT INFORMATION

Name(s) Green Courte Acquisition IV, LLC, by Polsinelli PC, its agent

Contact Curtis Holland

Address 900 W. 48th Place, Suite 900

City Kansas City State MO Zip 64112

Phone 913-234-7411 Email cholland@polsinelli.com

SITE INFORMATION

Property Address/Location 1009 E Santa Fe Street

Legal Description (Attach If Necessary) See Attached

Number of Existing Lots N/A Number of Proposed Lots 1

Total Site Area 20.7 Acres Present Zoning RM-P

Number of Existing Structures 0 Present Land Use Undeveloped

Proposed Street Design Type(s) & Class Private Streets designed to Local Standard Street Type

Proposed Type(s) Open & Civic Space Green

Proposed Frontage Type(s) Suburban Yard

Proposed Building Types(s) N/A

SIGNATURE

I/We, the undersigned am/are the **(owner(s), duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for final plat as indicated above.

Signature(s): Curtis M. Holland Date December 11, 2020

Date _____

FINAL PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

- | Yes | No | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Complete application packet |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Application fee |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. 10 full sized plans printed and folded |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Digital copies (PDF) of the completed application, plans, and legal description |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. 1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Letter of intent as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider, if not submitted with the Preliminary Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Final Floodplain modeling using HEC-RAS model provided by the City if encroachment is proposed within a FEMA or Shaded Zone X 100-year floodplain. (Contact City Engineer to obtain model and requirements). Not applicable. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Final Stormwater Management Plan (2 printed and 1 digital copy) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy) Not required. |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Development Agreement , if required |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Street tree plan |

FINAL PLAT DOCUMENT REQUIREMENTS

- | | | |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Name of subdivision (unique and numerically consistent and the words "FINAL PLAT," prominently displayed as the title.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Names, addresses, and phone numbers of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Date of preparation and/or revisions. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Vicinity map (drawn at a scale of 1"=2,000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. A legal boundary description with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres. |

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Provide the following sentence after the Legal Description "The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the accompanying plat, which subdivision and plat shall hereafter be known as "Plat Name". |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Location of monuments , shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances). |
| | | 9. Accurate dimensions for all lines, angles, and curves , used to describe boundaries, streets, easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Platted and unplatted land adjacent to the plat boundary. Include identification of adjacent platted subdivisions and unplatted tracts with external bearings and distances of adjacent plats and property owners for a distance of not less than 400 feet. Include original plat names if replatted. Exterior dimensions shall coincide with adjoining plats unless differences are noted |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Blocks, lots and tracts identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Note on plat indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Existing and proposed easements with dimensions. Existing easements shall be labeled with book and page number. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. Any area within a federally designated floodplain. Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 15. Stream corridor boundary and dimensions.
<i>Not applicable.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. Proposed street right-of-way with dimensions which conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.
<i>Not applicable.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. Endorsement of the Planning Commission as evidenced by the signature of its Chairperson. Endorsement line shall contain the printed name of the Chairperson and their title. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. Acceptance of Dedication by the Governing Body , as indicated by the signature of the Mayor and attested by the City Clerk. The Endorsement Line shall contain the printed name and title of the person signing. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. Signature of Owner , properly attested. |

Yes No



20. **A dated signature and seal of the licensed Land Surveyor responsible for the survey and a note** stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys."



21. **Copies of all pertinent exception documents**, or a copy of a current American Land Title Association (ALTA) survey, or both.



22. **Calculation documents** containing the following data: coordinates of the plat boundary and the unadjusted error of closure of the field traverse that established the plat.



23. **A statement on the plat concerning prior easement rights** as follows: The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City from any expense incident to the relocation of any such existing utility installations within said prior easement.



24. **A statement on the plat concerning utility easements** as follows: An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.




25. **A statement on the plat concerning drainage easements** as follows: An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and through those areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.



26. **Certification of dedication of all streets, highways and other rights-of-way or parcels for public park or other public use**, signed by the owners and all other parties who have a mortgage or lien interest in the property.

Written explanations for any items not checked or checked "No" (attach additional sheets, if necessary):

I hereby submit all information required for final plat review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted. By signing this application, I acknowledge that all public streets and public infrastructure within the plat shall conform to the applicable minimum design standards set forth in the Gardner Municipal Code and the Technical Specifications.



Signature of Applicant

December 11, 2020

Date